

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEMI KOSTKA and VINCENT JEAR,	§	Case No. 3:20-cv-03424-K
<i>individually and on behalf of all others</i>	§	
<i>similarly situated,</i>	§	Consolidated with:
Plaintiffs,	§	
	§	Case No. 3:20-CV-03603-K
v.	§	Case No. 3:21-CV-00137-K
	§	Case No. 3:21-CV-00769-K
DICKEY’S BARBECUE	§	Case No. 3:21-CV-01962-K
RESTAURANTS, INC.,	§	Case No. 3:21-CV-01963-K
Defendant.	§	

ORDER SETTING HEARING

The District Court ordered the undersigned to file Findings, Conclusions, and a Recommendation on Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement (ECF No. 62). *See* Ord. (ECF No. 82). Accordingly, the Court sets the Motion for a hearing on **August 1, 2022, at 2:00 P.M.**, convening in Judge Rutherford’s courtroom on the 13th Floor of the Earle Cabell Federal Building and Courthouse, 1100 Commerce St., Dallas, Texas. Co-Lead Interim Counsel must attend the hearing in person.

Counsel should be prepared to present argument regarding the Motion for Approval of the Class Action Settlement, and to articulate, in detail, how the proposed class satisfies the requirements of Federal Rule of Procedure 23 (a-b). With respect to standing, the Court reminds Plaintiffs that “history and tradition offer a meaningful guide to the types of cases that Article III empowers federal courts to consider.” *TransUnion LLC v. Ramirez*, 141 S. Ct. 2190, 2204, (2021)

(citation and internal quotation marks omitted). Accordingly, Counsel should be prepared to demonstrate that all the proposed class members have suffered an injury with “a close relationship to a harm traditionally recognized as providing a basis for a lawsuit in American courts.” *Id.* (citation and internal quotation marks omitted). Moreover, Plaintiffs are advised to consider the Supreme Court’s apparent endorsement of the argument that, “in a suit for damages, the mere risk of future harm, standing alone, cannot qualify as a concrete harm—at least unless the exposure to the risk of future harm itself causes a separate concrete harm.” *Id.* at 2210-11.

SO ORDERED.

July 8, 2022.

A handwritten signature in black ink, appearing to read 'RR', is written over a horizontal line.

REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE